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## The Forgotten Victim: Men and Domestic Violence - Issues for the I-360 Petition

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## **\*THE FORGOTTEN VICTIM: MEN AND DOMESTIC VIOLENCE – ISSUES FOR THE I-360 PETITION**

*Christine Grant, PhD\**

Immigrant men who have been sexually, physically, emotionally and/or financially abused by their US Citizen spouses present very special issues for the practitioner. Common gender stereotypes, including perceptions of male roles and the belief that men are the typical aggressors can impede understanding of the male victim within a marital relationship. These impediments – whether conscious or not – can derail a successful VAWA petition for an otherwise deserving client.

*Josef was a young man from the Ukraine who arrived in the USA on a J-1 visa. A quiet, reserved and uneducated man, he found employment as a rolling chair operator on the Atlantic City Boardwalk. Danielle was a vibrant, loud and gorgeous nightclub dancer who hailed his chair for a ride. Intrigued by her flamboyance and flirtatiousness, Josef agreed to a date. Within weeks, Danielle moved in with Josef and asked for \$1000.00 to help her out of a “jam.” Josef got a second job at a restaurant and eventually a third buffing floors on a nightshift in a grocery store. Josef fell in love and the couple married within the year. Their son was born four months later. However, their relationship was tumultuous, Danielle claimed to be working but never had any money to show for her job. Whenever Josef questioned her about the job she would barrage him with cursing and accusations of infidelity and then would physically attack him. Life fell apart when Josef finally decided to follow Danielle one morning. To his*

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\* Dr. Grant has written affidavits and provided expert evaluations for the immigration law firm of Bagia & Associates, PC since 1997.

*surprise, she unknowingly led him to a mental health clinic where she was in a methadone program for heroin addiction.*

The challenge here is to “sort out” the addiction issues from the domestic violence issues. Careful interviewing of the client is required in order to determine the nature of the drug history of the abuser and to determine if drug use correlates to incidents of abuse. Too much attention to the drug addiction can deflect from the battering and can shift the focus away from the trauma the client has experienced. The examiner must be careful not to shift the attention from the abuse to the drug addiction as the ill-informed USCIS adjudicator may attribute the abuse as “involuntary behavior” as a consequence of drug addiction. In addition, too much focus on the addiction may result in an erroneous decision that the marriage was not bonafide, instead allowing one to conclude that the US Citizen married only to financially sustain their addiction.

*Naresh was only five years old when his mother brought him to the USA from Trinidad. Growing up in North Philadelphia he was unaware of his illegal status until the age of 21. In his early twenties, he fell in love and married a gorgeous African American woman, Nekeisha. The couple organized a Caribbean honeymoon, but all their plans were thwarted when he realized he could not travel. Nekeisha lashed out at Naresh – physically and emotionally – and left him five days after the wedding. The couple resolved their differences and reunited after 3 months at which time Nekeisha became pregnant. She immediately asked for \$500.00 and told Naresh she was getting an abortion. Naresh begged her to keep the pregnancy, but she refused. Nekeisha escalated her physical and mental abuse towards Naresh throughout the year until she again pronounced that she was leaving him. Nekeisha returned to Naresh a year later with a baby girl in tow and promises that she really did love him. Naresh took them both in and raised the baby as his own. Nekeisha abandoned Naresh and her baby when the little girl was two years old. Nekeisha’s maternal grandmother petitioned the Family Court for the baby and Naresh had to give her up.*

In this case, the difficulty confronting the practitioner is the fact that this man endured years of abuse – both emotional and physical – by a woman who, by all objective thinking, did not love him. Infidelity and abandonment are very difficult to process and to acknowledge. Men are expected to be able to ‘satisfy’ their partner, take a slap or a punch or a scratch, and control the situation. Men

are tough. Men believe the abuser will change. Men believe that love will overcome the issues. Men do not want to lose their children. Men feel guilty if they leave the relationship. Men experience the same identical feelings that women experience in violent relationships. Yet our American society has embraced the notion that men can and should “take it.” The practitioner’s job is to dispel these myths and preconceptions and explain in vivid and accurate detail the violence endured by the client.

*Addison, from the Dominican Republic, was 37 years old when he married 27 year old Vicki who had three small children from three relationships. Addison also had three small girls from his first marriage in the DR. The couple married and within the year had a daughter together. Vicki preferred to spend time in Lancaster, Pennsylvania with her aging father rather than with Addison in Queens where he had a fulltime job as a locksmith. The couple met on the weekends. Their baby daughter was usually with Vicki. Addison walked in on Vicki and a man in bed at her father’s house when he arrived early to surprise her. The couple split up but got back together after rounds of tears and apologies. Their reunions never lasted long. Over the next three years, the couple endured a vicious cycle of break ups and reunifications. Vicki became increasingly abusive and demanded sex from Addison at least 4 to 5 times per weekend when they were together. If Addison refused sex or failed to achieve an erection, she resorted to throwing water on him, ripping his clothing, locking him in the bedroom alone, and destroying his personal possessions – such as his cell phone, photo albums and his locksmith tools.*

Married men cannot be victims of sexual abuse. Men cannot be raped by women. Men don’t have to engage in sex if they don’t want to. All of these statements are misconceptions and must be addressed by the practitioner in order to accurately assess and interview the client. Understanding that men do experience involuntary erections and can be coerced into sexual relations is imperative when you accept cases involving abused men. When men are forced into a sexual act that they do NOT consent to – then that is abuse. Sexual intimacy is difficult to discuss and to inquire about forced sexual intimacy presents an incredible challenge. The astute practitioner must be aware that men are reticent to offer a sexual history and therefore the practitioner must be comfortable with asking detailed questions and be ready to “hear” the answers. Sexual violence is NOT uncommon within the confines of an abusive

relationship and must be addressed with your male clients. Men can be embarrassed, ashamed and confused if they have been sexually violated by a woman. They struggle to make sense of how it happened and why it happened. Careful questioning can reveal a pattern of sexual abuse that can be essential to a successful VAWA case.

*Onyedi came to the USA from Nigeria to study. After failing his coursework, he took a job as a security guard for a parking garage. The same woman parked in his lot every day. They struck up a conversation and soon they were dating. The couple married the following year. After marriage, Amanda brought her four children to live with the couple. Onyedi had no idea she had children and was so astonished by the fact that he did not know how to respond. Once the children, who ranged in age from 5 to 14, were settled and in school, Amanda moved out. She refused to tell Onyedi where she was and only corresponded with him through text messages and emails. She would come by the house for food and clothes and to demand money from Onyedi. If Onyedi hesitated she threatened to call immigration. During one particularly angry interaction she pulled a knife on him. Onyedi went to the ER and had to have six stitches in his forearm.*

Important to remember is that we should not excuse women for their violent behavior. As practitioners we have to be careful not to minimize the threats a man receives by a woman and to carefully examine the facts. The standard is that most people believe that men cannot really be physically hurt by a woman. Compounding the problem is that men do not call the police to report abuse; they do not seek assistance and if they must seek medical intervention, they are not asked about domestic violence. Men do not tell their co-workers or friends about their abuse and it is rare that men give off signs that they are abused. People just do not ask. Men do not take photos of their injuries and do not document their abuse. Men are not likely to leave an abuser. They believe if they try harder they can solve the issues and if there are children, men are afraid they will be cut off from them.

The bar to present a complete and convincing VAWA petition may be set higher for men. It is the practitioner's duty to directly confront the preconceived beliefs and issues in the VAWA submission. First and foremost proof must be offered that the

couple entered into the marriage in good faith. Second, battery or extreme cruelty – language used by USCIS must be delineated. Actual and threatened acts of violence must be clearly presented with corroborative documentation. Abuse can include physical or mental injury; psychological or sexual abuse or exploitation, including rape, molestation, and forced prostitution. The pattern of abuse needs clear definition and elaboration. Domestic violence is a sum of the parts in context. Separate isolated acts may not appear to the evaluator as abusive; so it is the practitioner's job to demonstrate that those small acts comprise a larger whole.

Our law firm has successfully filed hundreds of VAWA petitions. Seldom has an I-360 petition been approved without a Request for Evidence (RFE). This clinician has noted that every single RFE has contained the following language:

Submit evidence to show that you or your children have been the subject of battery or extreme cruelty. Submit one or more of the following as evidence:

Reports and affidavits from: police, judges, court officials, medical personnel, counselors, social works or other social service agency personnel or school officials.

Evidence that you have sought refuge in a shelter for the abused.

Photographs of your injuries, and affidavits from witnesses, if possible.

A statement in your own words describing the relationship with your abuser. Be as specific and detailed as possible.

It is imperative that each item be addressed and it is best if all this information is included in the original submission. If your client receives an RFE, then it is imperative that each item be thoroughly answered in-depth. A second affidavit is always recommended. The second one addresses the fact that the first affidavit was submitted

and this second submission provides supplemental information. The practitioner needs to offer detailed descriptions of abusive events in the client's own words and correlate these to important time periods in the relationship. For example, if the abuse escalated during the time the abuser was over-spending money – perhaps on drugs – overdraft statements from the bank could be presented as evidence. Medical records that correlate to injuries could support the victim's statements. Sworn affidavits which include all contact information including cell phone numbers have proven essential. Counselling notes, letters from therapists and professional evaluations all lend credibility to the client's statements.

Just as important are statements by the client as to WHY he cannot provide the requested evidence. Shelters for men do not exist in most states. Men do not call the police. Men do not seek counseling. Men do not seek out social services. Embarrassment, lack of knowledge and financial limitations are just a few reasons men are left thinking they must resolve their abuse on their own.

Asking men about their abusive experiences is a start. Advocating for their safety and their rights is a must.